

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 10, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 17-32 are pending in the Application. Claims 17, 20 and 25 are independent claims.

Claims 17 and 32 are amended to correct informalities pointed out by the Examiner. Accordingly, withdrawal of the objection to these claims is respectfully requested.

In the Office Action, claims 17, 18, 22-25 and 29-32 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,470,085 to Uranaka ("Uranaka") in view of U.S. Patent Application Publication No. 2004/0126095 to Tsumagari ("Tsumagari"). Claim 19 is rejected under 35 U.S.C. §103(a) over Uranaka in view of Tsumagari in view of U.S. Patent No. 5,754,648 to Ryan ("Ryan"). Claims 21 and 26-28 are rejected under 35 U.S.C. §103(a) over Uranaka in view of Tsumagari in view of U.S. Patent Publication No. 2002/0073316 to Collins ("Collins"). These rejections of the claims are respectfully traversed.

It is respectfully submitted that claims 17-32 are allowable over Uranaka in view of Tsumagari alone and in view of Ryan and Collins for at least the following reasons.

In the Response to Arguments section at page 2 of the Office Action, it is stated and undisputed that "in some authentication systems, if a server is authenticated, the data may not be authentic", however, the Office Action then states that the above fact does not have any bearing on Uranaka, col. 15, lines 57-67. At page 3 of the Office Action, it is continued that (emphasis added) "Uranaka unambiguously provides for authentication of the server and the data that is signed by the server in the same verification." However, there is nothing in col. 15, lines 57-67, nor the rest of Uranaka for that matter, to support the position of the Office Action. It is respectfully submitted that too much is being read into the teaching of Uranaka than provided by Uranaka.

The Office Action then supports its' position citing teachings of a reference that are not of record in the prosecution of the present application.

According to patent law, a reference is overcome if the invention includes an element that is not taught, described, or

suggested by that reference. If, it is believed that Uranaka teaches verifying "the authenticity of the downloaded content" using the public key read-out from the optical disk" as for example recited in claim 20, the section of Uranaka supporting that position must be pointed out so that the Applicants can examine that portion and consider an appropriate response. If it is believed that this teaching is found in one or more other references, then these references should be made of record before being used in the rejection. As it stands, it is respectfully submitted that the Office Action has failed to point out in the prior art references of record the teaching of verifying "the authenticity of the downloaded content" using the public key read-out from the optical disk" as for example recited in claim 20.

It is respectfully submitted that the process of authenticating a server is not the same as authenticating content downloaded from a server. While the server might be authentic, its content might be compromised even though the server is authenticated. The present invention as for example recited in claim 20 authenticates the downloaded content, not the server or its URL at which such content resides. (See page 4, lines 3-11 of

the present application). It is respectfully submitted that Uranaka, contrary to the above, authenticates the server. (See, Uranaka, col. 15, lines 63-66.)

In rejecting the authentication clause of the independent claims, Uranaka, col. 5, lines 20-42, is referenced by the Office Action, however, it is respectfully submitted that the cited section of Uranaka merely discusses the structure of an application illustrated in Fig. 2. It is respectfully submitted that nothing in this paragraph discloses or suggests verifying "authenticity of the downloaded content using the public key read-out from the optical disk". Uranaka, col. 5, line 58 to Col. 6, lines 5, is further referenced by the Office Action, however, it is respectfully submitted that the cited section of Uranaka merely discusses data structures of the volume and distribution descriptors illustrated in Fig. 4 that include a key used in encrypting each application 21 in the package 20 and which has been encrypted with a user public key. Again, it is respectfully submitted that nothing here teaches verifying "authenticity of the downloaded content using the public key read-out from the optical disk". Finally, Uranaka, col. 15, lines 57-67 is referenced, which

merely provides that which has been maintained by the Applicants, namely that Uranaka merely provides (emphasis added):

In the process of FIG. 20C, the server 8 may be authenticated by means of a public-key cryptosystem using a pair of server secret and public keys.

It is, therefore, respectfully maintained that the system of claim 20 is not anticipated or made obvious by the teachings of Uranaka in view of Tsumagari. For example, Uranaka in view of Tsumagari do not teach, disclose or suggest, (illustrative emphasis added) "an optical disk driver unit to read-out media content and a public key stored on an optical disk; a network interface to download content associated with the read-out media content, the content residing on one or more computing devices distributed on a network; and a control system to verify the authenticity of the downloaded content using the public key read-out from the optical disk before the read-out media content is played in coordination with the associated downloaded content" as recited in claim 20 and as similarly recited in each of claims 17 and 25.

Tsumagari does not remedy the deficiency of Uranaka and Ryan and Collins are introduced for allegedly showing elements of the dependent claims and as such, do not cure the deficiencies in

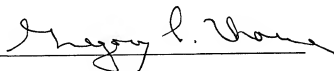
Uranaka in view of Tsumagari.

Based on the foregoing, the Applicants respectfully submit that independent claims 17, 20 and 25 are patentable over Uranaka in view of Tsumagari and notice to this effect is earnestly solicited. Claims 18-19, 21-24 and 26-32 respectively depend from one of claims 17, 20 and 25 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
November 9, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643